

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
AT CINCINNATI**

TEDDY NICHOLS,	:	Case No. C-1-02-0045
	:	
Plaintiff,	:	Judge Beckwith
	:	Magistrate Hogan
v.	:	
	:	
INDIANA MICHIGAN POWER COMPANY	:	
RIVER TRANSPORTATION DIVISION	:	
and/or AMERICAN ELECTRIC POWER	:	
FUEL SUPPLY, RIVER TRANSPORTATION	:	
DIVISION,	:	
	:	
Defendants.	:	

**DEFENDANT'S MOTION TO EXTEND DEADLINE  
FOR FILING DAUBERT MOTIONS**

Comes now Defendant, Indiana Michigan Power Company River Transportation Division and/or American Electric Power Fuel Supply, River Transportation Division, and moves this Court for an Order extending the deadline for filing Daubert Motions, currently set for February 27, 2004. This Motion is based upon the attached memorandum.

Respectfully requested,

s/ Todd M. Powers

Todd M. Powers #0027122

Attorney for Defendant

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**MEMORANDUM**

On October 16, 2003, this Court entered its Notice setting forth deadlines which includes a deadline for the filing of Daubert Motions by February 27, 2004. Plaintiff identified five expert witnesses in its disclosure. The parties are discussing dates of mutual availability on which the deposition testimony of the identified expert witnesses may be scheduled. To date, however, the depositions of these expert witnesses are not yet scheduled.

In order to determine the propriety of an expert's opinion, the basis therefor, and the methods employed to reach the opinions rendered, those issues subject to challenge under the teachings of *Daubert*, Defendant must have an opportunity to depose Plaintiff's expert witnesses. As the scheduling of those depositions has been delayed, Defendant respectfully requests the Court grant additional time, up to and including March 30, 2004, in which to file its Daubert Motions.

Respectfully requested,

**s/ Todd M. Powers**

Todd M. Powers #0027122

Attorney for Defendant

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**CERTIFICATE OF SERVICE**

I do hereby certify that a copy of the foregoing was sent by electronic filing and/or regular U.S. Mail to the following this 5th day of February, 2004

Gary Wm. Baun, Esq.  
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**s/ Todd M. Powers**

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